

## Message Text

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PAGE 01 EC BRU 04773 111726Z

ACTION COME-00

INFO OCT-01 EUR-12 ISO-00 AID-05 CEA-01 CIAE-00 EB-07

FRB-03 INR-07 NSAE-00 EPG-02 SP-02 STR-04 TRSE-00

LAB-04 SIL-01 OMB-01 AGRE-00 SS-15 NSC-05 L-03

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R 111608Z MAY 77

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 3769

LIMITED OFFICIAL USE EC BRUSSELS 4773

PASS COMMERCE FOR EDGERLY

E.O.11652: N/A

TAGS: EEC EIND ETRD

SUBJECT: US COMMENTS ON PROPOSED EC PREPACKAGED PRODUCTS  
DIRECTIVE

REF: (A) STATE 97924 (B) 76 EC BRUSSELS A-403

1. MISSION OFFICER DELIVERED US COMMENTS REFTEL TO FAURE ON  
MAY 10. FAURE PROMISED A WRITTEN RESPONSE IN JUNE, BUT OFFERED  
THESE INTERIM REACTIONS TO OUR COMMENTS (LETTERS CORRESPOND TO  
PARA. 2 REF. A SPECIFICS).

(A) FAURE EXPLAINED THAT THE PROPOSED DIRECTIVE IS AN "OPTIONAL"  
DIRECTIVE. THIS MEANS THAT WHILE MEMBER STATES CANNOT EXCLUDE  
BEFORE 1985 ANY PACKAGE SIZES ADMITTED AT THE TIME OF NOTIFI-  
CATION OF THE DIRECTIVE, THEY HAVE THE OPTION TO ADMIT OR  
EXCLUDE AFTER 1985 ANY PACKAGE SIZES NOT SHOWN IN THE DIRECTIVE.  
THERE IS NO REQUIREMENT THAT AFTER 1985 ONLY THOSE PACKAGE  
SIZES SHOWN IN THE DIRECTIVE BE ADMITTED AND THE INTERVAL  
UNTIL 1985 IS INTENDED TO GIVE PRODUCERS TIME TO EITHER  
CHANGE PRODUCTION SIZES OR PERSUADE MEMBER STATES TO ACCEPT  
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PAGE 02 EC BRU 04773 111726Z

NEW SIZES IF NECESSARY.

(B) US COMMENT IS CORRECT TO EFFECT THAT SELF-CERTIFICATION  
BY THE MANUFACTURER IS THE ONLY PRESENT METHOD FOR ENFORCING  
REQUIREMENTS. HOWEVER, FAURE DID NOT THINK THIS WAS REALLY  
AN IMPORTANT MATTER FOR THE CONSUMER WHOSE MAIN INTEREST IS IN  
KNOWING THE AMOUNT OF PRODUCT IS CORRECT AS STATED. HE SAID

HE WOULD BE INTERESTED, THOUGH, IN RECEIVING COPY OF FDA TEST PROCEDURE FOR WATER DETERMINATION OF CONTAINER CAPACITIES (REF A).

(C) COMMISSION AGREES SOME CLARIFICATION IS NEEDED FOR LAST SENTENCE OF ARTICLE 1. THE MODIFICATION WILL PROBABLY BE SIMILAR, BUT NOT IDENTICAL TO, US PROPOSAL.

(D) ARTICLE 3 OF THE PROPOSED DIRECTIVE DOES NOT REQUIRE MANUFACTURERS TO EMBOSS INFORMATION ON THE CAN. THE INFORMATION CAN ALSO BE PRINTED ON A LABEL ATTACHED TO THE CAN.

(E) FAURE SAID HE DID NOT KNOW HOW THE 1500 GRAM SIZE WOULD BE RECEIVED BUT HE PROMISED TO RAISE THE ISSUE WITH THE ECONOMIC QUESTIONS WORKING GROUP OF THE COUNCIL NEXT MONTH.

(F) FAURE EXPLAINED THAT THE 247 ML AND 446 ML SIZES WERE POPULAR IN THE UK AND IRELAND AND SO THEY WOULD PROBABLY BE ADDED BY THE COUNCIL. HOWEVER, FAURE POINTED OUT THAT THE 492 ML AND 1455 ML SIZES WERE NOT IN WIDE USE IN THE EC AND WERE FAIRLY CLOSE TO OTHER ACCEPTABLE SIZES. SINCE THE LIST WAS ALREADY TOO LONG, FAURE MINIMIZED CHANCES OF THEIR ACCEPTANCE BUT PROMISED TO RAISE THE PROPOSAL WITH THE WORKING GROUP.

(G) FAURE SAID HE ALSO DOUBTED THAT THE TWO AEROSOL CONTAINER SIZES COULD BE ADDED TO THE LIST. REASONS GIVEN WERE PRESENT UNANIMITY OF MEMBER STATES OVER CURRENT LIST AND THE FACT THAT CURRENT LIST IS DRAWN UP IN ROUND-NUMBER SIZES FOR CONSUMER CONVENIENCE, WHEREAS US PROPOSALS ARE NOT IN ROUND NUMBERS. LIMITED OFFICIAL USE

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PAGE 03 EC BRU 04773 111726Z

HE PROMISED, NEVERTHELESS, TO DISCUSS THE IDEA WITH THE WORKING GROUP.

2. FAURE DOUBTED THAT THE PROPOSED DIRECTIVE WOULD BE ADOPTED BY THE COUNCIL IN JUNE. THERE WILL PROBABLY BE MORE MEETINGS OF THE WORKING GROUP AFTER JUNE AND COUNCIL ADOPTION NEXT AUTUMN IS A LIKELY PROSPECT. HINTON

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## Message Attributes

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**Disposition Date:** 22 May 2009  
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